

TOWN OF EXETER  
SUBDIVISION REGULATIONS /

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Prepared for the Exeter Planning Department by the  
Rockingham Planning Commission  
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**TOWN OF EXETER**  
**SUBDIVISION REGULATIONS**  
- Record of Amendments -

**LAND SUBDIVISION CONTROL REGULATIONS**

**TOWN OF EXETER, NEW HAMPSHIRE**

**SECTION I - AUTHORITY**

Under the authority vested in the Exeter Planning Board by a public vote held at the Town Meeting of March 24, 1969, in accordance with the State law then in effect, and in accordance with current State laws including, but not limited to, Chapters 672 through 677 inclusive of the Revised Statutes Annotated of the State of New Hampshire, the Exeter Planning Board adopts the following regulations governing the subdivision of land within the Town of Exeter, New Hampshire.

**SECTION II - TITLE**

These regulations shall be known and may be cited as the "Subdivision Regulations for the Town of Exeter, New Hampshire" as adopted April 8, 1971, and subsequently amended.

**2.1 SHORT TITLE**

Subdivision Regulations.

**SECTION III - PURPOSE**

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the municipality.
- (b) To guide the future growth and development of the municipality, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land; and to minimize the conflicts among the uses of land and buildings.
- (e) To provide adequate and efficient transportation, water, sewage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (f) To provide for suitably located streets, sidewalks and accessways of sufficient width to accommodate existing and prospective traffic (both vehicular and pedestrian); to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.
- (g) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to insure proper descriptions and monumenting of subdivided land.

- (h) To insure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
- (i) To prevent the pollution of air, land, watercourses, and waterbodies; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the municipality.

#### **SECTION IV - JURISDICTION**

The provisions of these regulations shall apply to all land within the boundaries of the Town of Exeter. No land shall be subdivided or lots conveyed or sold within the corporate limits of the municipality until:

- (a) the Planning Board has given final approval of the subdivision plan after a public hearing and after the Chairman of the Board (or designee) has affixed his/her signature on the approved plan;
- (b) the applicant has complied with all of the regulations herein, including the posting of appropriate performance guarantees; or
- (c) the approved plan is filed with the Rockingham County Registry of Deeds.

No building permit, occupancy permit, or other local permit shall be issued for any parcel or plat until an approved subdivision plan is presented to the Building Inspector by the applicant.

#### **SECTION V - DEFINITIONS**

- 5.1 **Abutter:** Abutter shall mean any person whose property is located in New Hampshire and adjoins, or is directly across a street or stream from a land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Town of a Planning Board hearing, in the case of an abutting property being under condominium or other form of collective ownership, the term abutter shall mean the officers of the collective or association, as defined in RSA 356-B:3, XXIII, and any amendments thereto.
- 5.2 **Applicant:** Applicant shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.
- 5.3 **Board:** Board shall mean the Planning Board of the Town of Exeter, New Hampshire as established under the provisions of RSA 673:2, as amended.
- 5.4 **Certified Soil Scientist:** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

- 5.5 **Completed Application:** This term refers to the application form with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals and other paperwork as requested in the form or elsewhere in these regulations, and all fees and administrative expenses as indicated in these regulations.
- 5.6 **Cul-de-sac:** A cul-de-sac shall mean a short, minor, local street, having only one end open for vehicular traffic with the other end terminated by a turn-around for vehicles.
- 5.7 **Easement:** An easement shall mean the right or privilege that a person may have in another's land usually for the purpose of installing and/or maintaining utilities and drainage ways.
- 5.8 **Engineer or Surveyor:** These terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A as amended.
- 5.9 **Improvement:** Improvement shall refer to site grading, landscaping, street or road construction, and utilities (including water, sewer, electric, gas, storm drainage and their appurtenances) to be installed or agreed to be installed by the applicant on land to be used for public or private streets and easements or other purposes as are necessary for general development of the subdivision.
- 5.10 **Lot:** A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations and/or the Town's Zoning Ordinance, and having frontage on a public street, private way or right-of-way.
- 5.11 **Lot Line Adjustment:** A lot line adjustment shall mean the movement of a property boundary line which involves the exchange of abutting land among two or more owners, without increasing the number of lots. A lot line adjustment may not create a non-conforming lot where a lot was previously conforming, and a lot line adjustment may not increase the non-conformity of an already non-conforming lot, except in accordance with the provisions of the Exeter Zoning Ordinance.
- 5.12 **Minor Subdivision:** A minor subdivision shall mean the division of a lot, tract, or parcel of land which would create three or less building lots, and which does not require the installation of any new streets or roads (public or private) or the extension of any municipally owned utilities (sewer and water).
- 5.13 **Plat:** Plat shall mean the final map, drawing, or chart on which the applicant's plan of subdivision is presented to the Exeter Planning Board for approval and which, if approved, shall be submitted to the Rockingham County Registry of Deeds for recording.
- 5.14 **Public Sewage Disposal System:** This term shall refer to any wastewater collection and treatment system which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

- 5.15 **Public Water System:** As defined by RSA 485:1-XV, this term shall refer to any water distribution system which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
- 5.16 **Street:** As set forth in RSA 672:13, street means, relates to and includes street, avenue, boulevard, road, land, alley, viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc. as defined in RSA 674:41. A street is a public or private way intended to provide vehicular movement, and which may or may not be continued at a latter date.
- 5.17 **Subdivision:** Subdivision means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, or building development; in short, any division of land which creates the potential for additional dwelling units or bedrooms. The term includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision for the purposes of these regulations, in accordance with RSA 672:14, as amended.

## **SECTION VI - PROCEDURE**

### **6.1 PRE-APPLICATION REVIEW**

#### **6.1.1 Preliminary Conceptual Consultation**

In accordance with RSA 676:4, II-(a), an individual who anticipates submitting a formal application for subdivision approval has the option of informally consulting with the Board prior to formal submission.

- (a) **Purpose:** The purpose of a preliminary consultation is to familiarize the Board with the basic concept of the proposed subdivision. The consultation can also help to acquaint the potential applicant with the formal application process and particular information that the Board may request.
- (b) **Limits of the Review:** The Board shall conduct the preliminary conceptual consultation at a regularly scheduled meeting of the Board. The applicant will make a presentation defining the general scope and concept of the subdivision and/or development and how the land will be divided and/or used.

Such consultation shall not bind either the applicant or the Board, and statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Town's Master Plan. Neither the applicant nor the Board shall be bound by the discussions.

- (c) **Project Description:** In order to facilitate discussion, the potential applicant is requested to prepare a base map of the property to be subdivided. The map should be drawn to scale, and may be drawn in pencil. The proposed subdivision should be drawn on the base map. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions on the proposed subdivision and/or development of the property.

The following information or data is requested for a preliminary conceptual consultation by the Board:

1. General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features.
2. General description of available community facilities and utilities.
3. General description of the lots to be created, including their size and dimensions, and a general use plan for the subdivision.
4. A topographic map of the site showing in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and/or the location of other site development features.

#### **6.1.2 Design Review Phase**

In accordance with RSA 676:4, II-(b), the Board and/or the Technical Review Committee may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I-(d). Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

### **6.2 FORMAL APPLICATION**

#### **6.2.1 Submission**

Applications for subdivision approval shall be filed with the Planning Department and shall fulfill all the requirements of Sections 7, 8, 9, and 10 of these regulations. An application shall be on forms available from the Planning Department Office. All subdivision plans shall be reviewed by a "Technical Review Committee" which shall determine their compliance with these regulations and any other applicable regulations including, but not limited to the Zoning Ordinance and the document entitled, Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire (hereafter referred to as the "Public Works Specifications"). A completed application shall be submitted to, and accepted, by the Board only at a public hearing for which notice has been given to the applicant, abutters and the general public. Only completed applications will be placed on the Board's agenda in accordance with the "Planning Board's Schedule of Deadlines and Public Hearings".

#### 6.2.2 Technical Review Committee (TRC)

A "Technical Review Committee" (TRC) is hereby established to assist the Board in reviewing subdivision applications and plans. The TRC will review subdivision plans to determine their conformance to these regulations, the Zoning Ordinance and any other applicable regulations. The TRC, through its Chairman, shall provide the Board with a memorandum prior to the public hearing, summarizing its review of the subdivision application and plan, along with a recommendation to the Board for approval, approval with conditions, or disapproval. The TRC shall consist of representatives from: the Planning Department, Public Works Department, Fire Department, and Conservation Commission. Representatives from other Town agencies may be requested to serve on the TRC as required on a case by case basis. The Chairman of the TRC shall be the Town's Planning Director or his/her designated representative.

#### 6.2.3 Board Action

The Board shall begin formal consideration of a subdivision application within thirty (30) days after submission and acceptance of the completed application. This consideration may begin on the same night as the completed application is accepted by the Board.

Within ninety (90) days after submission and acceptance of a completed subdivision application, the Board shall act to approve, approve with conditions, or disapprove said application. In cases where a subdivision application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the Board's meeting and notice provided to the applicant.

#### 6.2.4 Extensions

The Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, approve with conditions, or disapprove an accepted subdivision application. An applicant may waive the requirement for Planning Board action within the time periods specified in Section 6.2.3, and consent in writing, to such extensions as may be mutually agreeable to both the Board and the applicant; in such an event, no application to the Board of Selectmen is required.

#### 6.2.5 Conditional Approval

- (a) The Board may grant conditional approval of an application, but the plan will not be signed or recorded until all of the conditions have been met. A further public hearing is not required when said conditions:
1. are administrative in nature;
  2. involve no discretionary judgement on the part of the Board; or
  3. involve the applicant's possession of permits and approvals granted by other boards or governmental agencies.

- (b) The applicant shall have one year to comply with the conditions of approval and have the plan signed by the Board. If the conditions are not met within one year, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, or any other ordinances and regulations which would render the subdivision plan nonconforming, and if all required permits are still valid.

#### **6.2.6 Failure to Act**

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4,I,(c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

#### **6.2.7 Public Hearing and Notice**

Before acting on a completed subdivision application, the Board shall hold a public hearing to discuss the merits of said application. Per RSA 676:4,I,(e), a public hearing shall not be required when the Board is considering or acting upon:

- (a) minor lot line adjustments and/or boundary agreements which do not create buildable lots, except that abutters shall be notified in accordance with this section and any abutter may be heard regarding the application upon request; or
- (b) disapprovals of applications based upon failure of the applicant to supply information required by these regulations, including abutter's identification; or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.

It shall be the responsibility of the applicant to supply the names and addresses of all abutters upon filing the subdivision application with the Planning Department. Abutters and the applicant shall be notified by the Planning Department, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to submission of the application. Notice to the general public will be given at the same time by advertisement in a newspaper of general circulation in the Town of Exeter and shall be posted in at least two (2) public places. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant, in accordance with RSA 676:4,I,(d).

#### 6.2.8 Procedures for Minor Subdivisions and Lot Line Adjustments

Per RSA 676:4, III, the Board adopts the following procedures for minor subdivisions and lot line adjustments. Minor subdivision and lot line adjustment applications may be submitted, reviewed, and approved at one or more Board hearings subject to the following conditions:

- (a) Submission and Notice: An application for minor subdivision approval shall be submitted in the same manner prescribed in Section 6.2.1 of these regulations. Notice of minor subdivision requests shall be given in the same manner prescribed in Section 6.2.7 of these regulations.
- (b) Public Hearing: A public hearing, with notice as provided in Section 6.2.1, shall be held if requested by the applicant or abutters any time prior to the Board's final decision on the minor subdivision application.
- (c) Decision of the Board: With the exception of the expedited review procedures outlined above, the Board shall follow the same decision making procedures specified for a regular subdivision.
- (d) Required Exhibits: The applicant shall supply the same information (if applicable) as prescribed in Section 7.2.3, Items (a) and (b), however, the Existing Site Conditions Plan and the Subdivision Layout Plan can be shown on the same sheet.

#### 6.2.9 Recording Procedure

All subdivision plans, whether approved or approved with conditions, shall be filed by the Town with the Rockingham County Registry of Deeds. Per RSA 676:4,I(g), The cost of said filing is considered an administrative expense, and shall be borne by the applicant. The filing fee will be determined by the Registry at the date of filing.

### SECTION VII - PLAN REQUIREMENTS

#### 7.1 SUBDIVISION PLAN

##### 7.1.1 Professional Standards

Subdivision plat plans shall be stamped by a land surveyor licensed in New Hampshire. Plans of roadways, utilities, bridges and culverts, drainage and other construction plans shall be prepared and stamped by a registered professional engineer licensed in the State of New Hampshire. In specific cases, the Board may waive these requirements when deemed appropriate.

##### 7.1.2 Sheet Size

Plans, drawn in ink, shall be presented on one of the following sheet sizes:

8 1/2" x 11", 11" x 17", 17" x 22", 22" x 34" or 24" x 36"

The Board requests only one sheet size be used for preparing all plans.

### 7.1.3 Required Exhibits

In order for the Board to comprehensively evaluate a subdivision proposal, the applicant is expected to supply the following information as part of the subdivision plan:

- (a) **Existing Site Conditions Plan:** The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the base data from which the subdivision will be designed. The plan shall show the following:
1. Names, addresses, and telephone numbers of: the owner, applicant, and person(s) or firm(s) preparing the plan (including: engineer, architect or land surveyor).
  2. Name of the subdivision.
  3. Location of the land/site together with the names and addresses of all owners of record of abutting properties and their existing use.
  4. Title, date, north arrow and scale.
  5. Tax map reference.
  6. Zoning district reference.
  7. A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000 feet.
  8. Natural features including watercourses and waterbodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site design process.
  9. Existing contours at intervals not to exceed two (2) feet with spot elevations provided when the grade is less than five (5) percent.
  10. A High Intensity Soil Survey (HISS) of an entire site, or a portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
  11. Surveyed exterior property lines showing bearings, distances, monument locations and the area of the total undivided lot.
  12. The lines of existing abutting streets.
  13. The location, elevation, and layout of existing catch basins and other surface drainage features.

14. The shape, size, height and location of all existing structures on the site and within 200 feet of the site.
15. The size and location of all existing public and private utilities.
16. The location of all existing easements and other encumbrances.
17. All other features which would fully explain the existing conditions of the land.

(b) **Subdivision Layout Plan:** The purpose of this plan is to illustrate the layout of the subdivision lots, rights-of-way, easements, and other uses of land within the subdivision. It shall be prepared on reproducible mylar and be suitable for filing with the Rockingham County Registry of Deeds. The plan shall depict the following items:

1. Names, addresses, and telephone numbers of: the owner, applicant, and person(s) or firm(s) preparing the plan (including: engineer, architect or land surveyor).
2. Name of the subdivision.
3. Location of the land/site together with the names and addresses of all owners of record of abutting properties.
4. Title, date, north arrow and scale.
5. Tax map reference.
6. Zoning district reference.
7. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
8. The location and width of all existing and proposed streets and easements, alleys, and other public ways, plus easement and proposed street rights-of-ways and building setback lines.
9. The locations, dimensions and areas of all proposed lots.
10. The location of all test pits and the 4,000 square foot septic reserve areas for each newly created lot.
11. A High Intensity Soil Survey (HISS) of an entire site, or a portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
12. Sufficient data acceptable to the Board to determine readily the location, bearing, and length of all lines; and sufficient data to be able to reproduce such lines upon the ground; and the location of all proposed monuments.

13. The location and dimensions of all property proposed to be set aside for open space, parks, playgrounds or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
14. Indication of the use of all lots (e.g., single family, two family, multi-family, townhouse, commercial or industrial). Indication and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part of all of the tract.
15. Newly created lots shall be consecutively numbered or lettered in alphabetical order in accordance with Section 9.2.1(h) of these regulations. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
16. The following notations shall also be shown:
  - (a) Explanation of drainage easements, if any.
  - (b) Explanation of site easements, if any.
  - (c) Explanation of reservations, if any.
17. Block for approval by the Board as follows:

Town of Exeter Planning Board

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

- (c) **Construction Plan:** Submission of this plan will not be applicable in all cases. The purpose of this plan is to provide detailed information and layout of the improvements (if any are required) to be constructed as part of the subdivision. Such plans shall contain the following information:
1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within three hundred (300) feet of the intersection, shall be shown on the plan. Radii of all curves, lengths of tangents, and central angles on all streets.
  2. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the

locations of street trees, street lighting equipment, and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas or other underground utilities or structures.

3. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, septic disposal facilities, sewers, drains, water mains, wells, easements, waterbodies, watercourses and other pertinent features, such as surface drainage areas, swamps, railroads and buildings at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining waterbodies or watercourses at the date of the survey, and the approximate high and low water elevations of such waterbodies and watercourses.
4. Topography at the same scale as the Existing Site Conditions Plan with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plat.
5. A High Intensity Soil Survey (HISS) of an entire site, or a portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
6. All other applicable provisions and references of the Public Works Specifications.

(d) Utilities Plan: Submission of this plan will not be applicable in all cases. The purpose of this plan is to clearly indicate the scope and layout of all proposed utilities for the subdivision. Such plans should address the following items:

1. road layout
2. water
3. sewer
4. pump stations
5. stormwater drains
6. fire hydrants and fire alarms
7. telephone
8. cable television
9. natural gas lines
10. other transmission lines

In conjunction with submission of the Utilities Plan, the applicant shall also submit any accompanying design calculations and analysis which further explain the proposed installation of utilities.

(e) **Grading, Drainage, and Erosion and Sediment Control Plan:** Submission of such a plan will not be applicable in all cases. The applicant shall submit such plans to the Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

1. A cumulative disturbed area exceeding 20,000 square feet.
2. Construction of a street or road.
3. A subdivision of three or more building lots or dwelling units.
4. Disturbed critical areas.

Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a grading, drainage, erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural conditions of a site. All requests for waivers and action thereon shall be made in writing.

A description of the design standards, plan requirements and other relevant criteria can be found in Addendum A of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

## **7.2 OTHER REQUIRED PLANS, STUDIES AND/OR EXHIBITS**

In an effort to determine the completeness of a subdivision application and its conformity to all applicable ordinances and regulations, the TRC may request an applicant to submit plans, studies and/or exhibits above and beyond those outlined in Section 7.1.3. In addition, the Board may also request the submission of plans, studies and/or exhibits above and beyond those outlined in Section 7.1.3. as part of their consideration of a complete subdivision application. In accordance with RSA 676:4, I(g), the Board may require that the cost of preparing such plans and studies be borne by the applicant. Examples of such plans, studies and/or exhibits include, but are not limited to the following:

### **7.2.1 Plans**

- (a) A stormwater management plan in accordance with Section 9.2.5 of these regulations.
- (b) A landscaping plan.
- (c) An interior circulation plan for both automotive and pedestrian traffic.

### **7.2.2 Studies**

- (a) A hydrogeologic study in accordance with Section 9.2.7(c) of these regulations, if applicable.
- (b) A sewer and water availability study.
- (c) **Traffic Impact Analysis:** All proposed commercial, industrial, or residential developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the applicant may be required

to provide a traffic impact analysis when deemed necessary by the Board due to the size, location or any other traffic-generating characteristic of the development. Traffic impact analyses shall address each of the following items:

1. Traffic circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes and existing or recommended traffic signalization.
2. Pedestrian safety, circulation, access and egress.
3. Off-street parking and loading.
4. Emergency vehicle access.
5. Off-site improvements necessitated by the development.

### 7.2.3 Other Plans, Studies and/or Exhibits

Any other plans, studies and/or exhibits which the Board may reasonably request as necessary in order to make an informed decision on the applicant's proposal. In such cases, the Board may retain the services of a qualified consultant(s) to prepare any of the above plans, studies and/or exhibits. In accordance with RSA 676:4, I(g), the Board requires that the cost of preparing such items be borne by the applicant.

### 7.3 ITEMS REQUIRED FOR FINAL APPROVAL

The Board will not give final approval to a subdivision application until the following items, if applicable, have been submitted and reviewed by the Board or its designated agent:

- (a) Draft of any protective covenants where the applicant proposes to regulate land use within the development or otherwise protect the proposed development.
- (b) Warranty deeds conveying to the Town any streets, rights-of-way, and sites dedicated for public use. Such conveyance shall be in fee simple form, free from all encumbrances.
- (c) As a condition of the Board's approval, the applicant shall execute a subdivision agreement which specifies the terms and understandings between the parties with respect to the terms of approval.
- (d) For subdivisions which do not involve the construction of a roadway, all monumentation shall be in place and certified by the Board prior to final Board signature of the subdivision plan. The applicant's surveyor must complete the form entitled "Certificate of Monumentation Installation Form" and have it signed by the Board. Copies of said form can be obtained from the Planning Department at the Exeter Town Offices. For subdivisions which involve the construction of a roadway, monumentation shall be installed as part of the installation of other required improvements as set forth in Section 9.3 of these regulations.

- (e) Any required performance guarantee, and deposit of inspection fee.
- (f) All administrative, engineering review, recording fees and public notice fees.
- (g) Any required federal, state, or local approvals and/or permits.

## SECTION VIII - GENERAL STANDARDS

### 8.1 OVERVIEW

An applicant shall use the following general principles when designing and laying out a subdivision development within the Town of Exeter. These principles and requirements shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### 8.2 GENERAL PRINCIPLES

An applicant shall observe the following general principles of land subdivision and development:

- (a) Conformity with Master Plan, Zoning Ordinance, and Official Zoning Map: The subdivision plan shall be in harmony and consistent with the Master Plan, Zoning Ordinance and Official Zoning Map of the Town.
- (b) Conformity to Other Laws: Subdivision plans shall conform with all regulations of the Board, and other applicable Town by-laws, ordinances, regulations, and statutes of the local, State and federal governments.
- (c) Character of Land: All land to be subdivided shall be, in the judgement of the Board, of such character that it can be used for building purposes without danger to public health, safety, or the environment. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless connected to the municipal sewage system or a publicly approved private sewage disposal system.
- (d) Preservation of Natural Features: Insofar as possible, the subdivision plan shall preserve such natural features as wetlands, watercourses, waterbodies, floodplains, steep slopes, aquifer recharge areas, large or unique trees, wildlife habitats and scenic views. The street and lot layout shall bear a logical relationship and be adapted to the topography of the site. Extensive grading and filling is discouraged and should be avoided to the extent possible.
- (e) Scattered or Premature Development: The Board, in its discretion, will not approve such scattered or premature development as would create danger or injury to the general public health, safety and welfare due to the lack of water supply, drainage, sewage disposal, transportation, or other public services; nor will the Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services.

- (f) **Self-Imposed Restrictions:** If the owner places restrictions on any portion of the land within the subdivision and/or development greater than those required by these regulations or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Board may require that restrictive covenants be recorded with the Rockingham County Registry of Deeds in forms approved by the Town Attorney.

## **SECTION IX - DESIGN STANDARDS**

### **9.1 OVERVIEW**

An applicant shall use the following design standards when designing and laying out a subdivision development within the Town of Exeter. These principles and requirements shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### **9.2 DESIGN STANDARDS**

The following design standards shall be observed in the layout of a subdivision and/or development of a site:

#### **9.2.1 Streets**

- (a) **Platting of Streets:** Insofar as the Master Plan or the Official Zoning Map does not indicate the size, location, direction and extent of a street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangement of streets in a subdivision shall provide for the continuation of the principal street existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets, but no less than a fifty (50) foot right-of-way. Where, in the opinion of the Board, topographical conditions make such continuance or conformity impractical, the Board may permit dead-end streets as described below.
- (b) **Dead-End Streets and Cul-De-Sac:** Except where near-future connections are planned, approved and bonded, dead-end streets shall not exceed 500 feet in length. In addition, dead-end streets will not be allowed without an asphalt, paved turn-around - minimum radius of fifty nine (59) feet from center to outside edge of the roadway; for specifications, please review the Public Works Specifications. Turn-arounds are also required at Town boundaries for snow plows and school buses. Unless restricted by soil conditions, topography, or other site conditions, all turn-arounds for dead-end streets shall provide enough frontage for at least one legal-sized lot.
- (c) **Public Ways and Private Rights of Way:** For a description of the Town's policy regarding the acceptance of proposed streets within a subdivision and other private roadways, please review Selectmen's Policy 91.21.

The Board shall not approve the creation of private rights of way to a lot in a proposed subdivision unless, due to the parcel's configuration, a hardship would be imposed and then only one lot shall be served by said right of way.

Each newly created lot shall be provided with its own driveway access to a public street unless otherwise approved by the Board.

- (d) **Future Subdivision:** Where the plat submitted covers only a part of the subdivider's entire tract or landholding, a sketch of the prospective future street system of the unsubmitted part shall be furnished to the Board and the street system of the part submitted shall be considered in light of the adjustments and connections with the street system of the part not yet submitted.
- (e) **Access:** Reserve strips controlling access to streets shall not be permitted. The subdividing of land shall be such as to provide each lot with satisfactory access to an existing public street or highway by means of either public street or way or permanent easement.
- (f) **Street Name Signs:** At all intersections, street signs shall be provided and installed by the developer in conformity with the specifications of the Public Works Department.
- (g) **Street Names:** Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. No proposed street name shall duplicate or have phonetic resemblance to existing street names within the Town. A letter from the Fire Chief approving the proposed street name(s) shall be submitted to the Board.
- (h) **Street Numbers:** Street numbers shall be assigned as part of the Technical Review Committee process.
- (i) **Other Design Standards:** The document, Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire, contains detailed design and construction standards and requirements for the following:
  - (1) curbing
  - (2) cul-de-sacs
  - (3) road dimensions
  - (4) curb radius intersections
  - (5) intersection angles
  - (6) sight distance
  - (7) street drainage
  - (8) road construction
  - (9) utilities

### **9.2.2 Driveways**

All permits for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the subdivision. Any permits required for driveways onto local streets shall be obtained from the Public Works Department.

### 9.2.3 Sidewalks

At the discretion of the Board, the applicant may be required to install sidewalks, five feet in width, on one or both sides of each newly created street. Detailed design and construction standards for sidewalks can be found in the Public Works Specifications.

### 9.2.4 Bridges

Bridges must be built according to State of New Hampshire specifications, and all bridge plans must be approved by State engineers prior to construction.

### 9.2.5 Drainage Improvements

The Board may require the subdivider to provide engineering studies on the effect of such subdivision activity on the existing downstream drainage facilities outside the subdivision boundaries. Unless an exception is granted by the Board, the amount of post-development surface water runoff rates shall be equal to the pre-development runoff rates.

Where it is determined that the additional runoff incident to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 25-year storm event.

Plans shall include appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed. Such plans shall also reasonably anticipate upstream development and preserve natural watercourses within the basin.

Detailed design and construction standards for the installation of drainage facilities can be found in the Public Works Specifications.

### 9.2.6 Water Service

- (a) Public and Municipal Water: All subdivisions shall provide public water service (as defined by RSA 485:1-XV) or municipal water service when available or required by the Board. Installation of water mains is subject to the approval of the Public Works Department. When a public water system is proposed, the system shall be designed by a qualified engineer. Each system shall be designed to handle the expected flows (domestic and fire) for present and future development within the subdivision. The number and location of fire hydrants shall be determined by the Fire Department.

Detailed design and construction standards for the installation of water mains can be found in the Public Works Specifications. The Board shall reserve the right to inspect, or have its designated agent inspect the installation of all water mains. The Department will also inspect the installation of all public water systems in accordance with the State's installation standards (Env-Ws 1000). The Water Division of the Exeter

Public Works Department shall install all water mains and services on existing Town roads from the existing main line to the property line. the applicant will be responsible for the cost of such installation.

- (b) **On-Site Water Supply:** The provision of on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the NH Department of Environmental Services. It shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of both individual on-site water supply and sewage disposal systems.

#### **9.2.7 Sewage Disposal**

- (a) **Public and Municipal Sewage Disposal:** All subdivisions shall provide public sewage disposal or municipal sewage disposal when available or required by the Board. Installation of sewer lines is subject to the approval of the Department of Public Works. When a public sewage disposal system is proposed, the system shall be designed by a professional engineer licensed in New Hampshire. Each system shall be designed to handle the expected wastewater flow for present and future development within the subdivision.

Detailed design and construction standards for the installation of sewer lines can be found in the Public Works Specifications. The Board shall reserve the right to inspect, or have its designated agent inspect the installation of all sewer lines. The Department will also inspect the installation of all public sewage disposal systems in accordance with the State's installation standards (Env-Ws 1000).

- (b) **On-Site Sewage Disposal Systems:** Per RSA 485-A:29, no subdivision of land will be approved where it creates a lot that will not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the NH Department of Environmental Services.

Regarding the installation of on-site sewage disposal systems, the following design standards shall apply:

1. Per administrative rules of the Water Supply and Pollution Control Division (Env-Ws 1003.01-d), subsurface sewage disposal systems under 2500 gallons/day must be designed by a septic system designer, licensed in the State of New Hampshire, or a professional engineer; systems over 2500 gallons/day shall be designed by a professional engineer practicing in New Hampshire.

Systems are to be constructed in accordance with the most recent edition of the Subdivision and Individual Sewage Disposal System Design Rules as published by the NH Water Supply and Pollution Control Division of the Department of Environmental Services.

2. The Town of Exeter, in an effort to improve water quality ,makes the following more stringent requirements:
  - a. Two (2) feet rather than six (6) inches of natural permeable soil above the seasonal high water table.

- b. Three (3) feet of natural soil above bedrock or any impervious substratum.
  3. In addition to the natural permeable soil requirement, fill material may be added when needed to raise the bottom of the leaching area above seasonal high groundwater table or impervious substratum. The fill material shall be a medium to coarse textured sand (0.5 to 1.0 mm) with a Uniformity Coefficient (as determined by a sieve analysis) greater than "four".
  4. Each proposed lot shall have at least two test pits, separated by at least 50 feet. The test pits shall establish the existence of a contiguous area of 4,000 square feet suitable as a receiving layer for a leaching system. The area must be able to accommodate a replacement leaching field equal in area to the original. This area shall be shown on the plan. The Board requires that all test pits be verified by its designated agent.
  5. Each lot shall accommodate its own sewage. For cluster developments, all sewage shall be disposed of within the boundaries of the development, unless connected to the municipal sewer system.
- (c) Hydrogeologic Study: A hydrogeologic study may be required for all projects that:
1. have one or more septic systems designed for a total on-site sewage loading of 2,500 gallons per day or more; and
  2. subdivisions of four (4) or more lots which are located within the Town's Aquifer Protection District.

For subdivisions of three (3) lots or less, the Board will determine, on a case-by-case basis, the need for a hydrogeologic study. Particularly sensitive sites may include areas that have septic systems in close proximity to wells, or may contain excessively drained soils or steep slopes. A hydrogeologic study shall at a minimum provide the following:

1. A hydrogeologic mapping of local groundwater flow.
2. Existing background water quality.
3. The location of abutter water supply wells and septic systems.
4. The location and capacity of the proposed septic system(s).
5. Estimates of the transport of contaminants from the septic system(s) and of constituent concentrations (i.e. nitrates) at the property boundary and at abutter's water supplies.

The proposed septic system(s) shall not create groundwater degradation, beyond the limits of the property line, in excess of EPA water quality criteria for domestic supplies, as amended. Degradation which does occur should be minimal and shall not result in significant changes in local well water quality. Systems which violate these tenets shall be

rejected. Septic systems shall be located outside of the well radius required by the Water Supply and Pollution Control Division of the NH Department of Environmental Services.

The hydrogeologic studies shall be performed by registered or certified hydrologists, hydrogeologists, or other qualified professionals. All water testing is to be performed at EPA approved laboratories.

#### 9.2.8 Installation of Utilities

- (a) The applicant in all subdivision developments shall install all electric, telephone, and other utility distribution lines per specifications of the public utilities companies involved, and there shall be provided by the developer such easements as are required for transformer units.

#### 9.2.9 Easements

All easements shall be laid out on the subdivision plan and referenced in each affected deed, granting to the Town rights of access and maintenance. The following additional provisions shall apply:

- (a) Utilities: Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty-five (25) feet in width and shall have satisfactory access to existing or proposed public rights-of way.
- (b) Drainage: Where a proposed subdivision is traversed by a watercourse or drainage way, the Board may require a storm water easement or drainage right-of-way of at least-twenty five (25) feet in width.

#### 9.2.10 Flood Hazard Areas

Subdivisions involving land designated as flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

- (a) Permits: The Board shall review the proposal to assure that all necessary permits have been received from those government agencies from which approval is required by federal or State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
- (b) Minimization of Flood Damage: Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow the Board to determine that:
  1. all such proposals are consistent with the need to minimize flood damage;
  2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;

3. adequate drainage is provided so as to reduce exposure to flood hazards; and,
  4. new and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.
- (c) **Elevation and Flood-Proofing Records:** The applicant shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.
- (d) **Alteration of Watercourses:** The State Wetlands Board shall be notified prior to any alteration or relocation of a watercourse and copies of such notifications shall be submitted to the National Flood Insurance Program. The flood carrying capacity shall be maintained within the altered or relocated portion of any watercourse.
- (e) **Floodplain Delineation:** The base flood elevation (100-year flood) shall be delineated on all plats.

For a detailed description of the construction standards which apply to the Town's flood hazard areas, please review Section 9.40 of the Zoning Ordinance.

#### **9.2.11 Open Space**

- (a) **Natural Features:** The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, waterbodies, floodplains, wetland areas, steep slopes, aquifer recharge areas, wildlife habitats, large or unique trees and scenic views. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.
- (b) **Buffer Strips:** The Board may require the designation of buffer strips of at least fifty (50) feet width around surface water, wetlands or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- (c) **Parks:** The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the sub-division.

For subdivisions creating ten (10) or more lots, the Board shall require that a minimum of ten percent (10%) of the site be dedicated or reserved for recreational and/or other open space purposes for the residents of the subdivision.

- (d) **Landscaping:** The Board may require the developer to supply and plant such trees and shrubbery as are deemed to be compatible with the environmental design of the neighborhood. Upon approval of the final plans and

plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the Town. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

- (e) **Tree Planting:** At its discretion, the Board may require the developer to plant shade trees within the rights-of-way of a subdivision layout. The developer shall supply planting plans to the Board, who will seek an advisory opinion on said plans from the Conservation Commission.

#### **9.2.12 Monuments and Benchmarks**

- (a) **Monuments:** Granite bounds shall be set on one sideline at all points of curvature and points of tangency. Such bounds shall also be set at the intersection of sidelines of existing or proposed streets.

The size of said bounds shall be four inches by four inches by thirty inches (4" x 4" x 30"), with a three-eighths inch (3/8") drill hole in the center. The developer shall excavate a hole sufficiently large enough to properly place the bounds securely in the ground.

Iron pipes are to be furnished at all property line corners and angles. The size of said pipes shall be half an inch by thirty inches (1/2" x 30"). Said pipes shall be driven into the ground at accurate locations, leaving two inches (2") exposed.

The locations of all bounds and pipes shall be shown on the subdivision plan, along with a note on the plan stating the date of installation. The applicant's surveyor shall certify in writing that the bounds and pipes have been installed according to the submitted plan. The form entitled "Certificate of Monumentation Installation Form" shall serve as the surveyor's certification. This form must be signed by the Board in order to obtain final subdivision approval. Copies of said form can be obtained from the Planning Department at the Exeter Town Offices.

- (b) **Benchmarks:** As part of the subdivision plan a permanent reinforced granite marker may be required by the Board, and if so required, it shall be placed at the edge of each road boundary at their terminus of the subdivision as reference for all locations and elevations and every twenty-five hundred (2,500) feet within the subdivision or at other locations specified by the Town's Public Works Department. For all subdivisions involving more than twenty (20) acres, all benchmarks shall be tied to the "State Plane Coordinate System".

#### **9.2.13 Property Boundaries, Bearings and Distances**

- (a) For subdivisions which do not involve the construction of a roadway, all property bounds must be set and firmly established before the Board will give final approval to any subdivision plan.
- (b) For subdivisions involving more than twenty (20) acres, all bearings and distances shall be tied to the State Plan Coordinate System.

**SECTION 10 - PERFORMANCE AND MAINTENANCE GUARANTEE**

**10.1 POSTING OF PERFORMANCE GUARANTEE**

The Board shall set the amount of the performance guarantee prior to the final approval of the subdivision plat. The developer shall post such guarantee with the Town prior to recording the subdivision plat with the Rockingham County Registry of Deeds and prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all required site improvements, including, but not limited to: street work (both public and private roads), drainage facilities, water mains, sewer lines, and other utilities.

The basis for determining the performance guarantee shall be one hundred percent (100%) of the bidder's quote for the construction costs of all required improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval. The bidder's quote shall be reviewed and approved by the Board.

The Board will accept the following methods of posting a performance guarantee:

- (a) cash or a savings passbook held in the name of the Town and deposited with the Town Treasurer;
- (b) a bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Board; or
- (c) a letter of credit in an amount and manner acceptable to the Board after consultation with Town Counsel.

As an alternative to posting a performance guarantee with the Town, the applicant may request approval of the final plat on the condition that all required improvements be constructed to Town standards prior to the Board's signing of the plat. The Board, in granting this conditional approval, shall sign a covenant signifying its approval and intent to sign the plat once the improvements have been installed by the developer, and inspected and approved by the Town.

**10.2 RELEASE OF PERFORMANCE GUARANTEE**

Upon inspection of a partial completion of required improvements, the Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board, plus a retainage of 20% of the original performance guarantee amount which shall be kept until all required improvements have been inspected and accepted by the Town. If the costs for completing the required improvements exceed the amount of the performance guarantee held by the Town, additional funds shall be required by the Board, in order to ensure completion before the development proceeds any further. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Board.

Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Board may obtain a completion cost estimate from:

- (a) the developer's contractor; or
- (b) a qualified contractor of the Board's choice.

If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.

The performance guarantee (or balance thereof) shall not be released until the Board (or its agent) has certified completion of the required improvements in accordance with the approved final plat, and the Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

Installation of all required improvements shall be completed within two (2) years of the date of the final plat's approval unless the timeframe is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

Prior to the return of the balance of the performance guarantee, the subdivider shall submit to the Board "as-built" plans for newly constructed public and/or private roads. The plans must include the provisions made for road drainage and any changes or additions subsequent to final Board approval. Submission of "as-built" plans is required before a street is formally accepted by the Town.

For public roads, a deed for the road right-of-way shall be conveyed to the Town as a condition of acceptance. The road shall become Town property upon the Town filing said deed at the Rockingham County Registry of Deeds.

### 10.3 MAINTENANCE BOND

For roads proposed to be accepted by the Town, the Board will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee in the form of an irrevocable letter of credit (utilizing the format approved by the Town) covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of completion, in an amount not to exceed 15% of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required then such costs as are necessary shall be drawn against said guarantee.

For a description of the Town's procedure for posting a maintenance bond, please review Selectmen's Policy \_\_\_\_\_.

## SECTION XI - WAIVERS

### 11.1 GENERAL

Where the Board finds that extraordinary hardships, practical difficulties or unnecessary expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to Sections 7, 8 and 9 of these regulations.

The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened, as opposed to merely inconvenienced, by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that:

- (a) the granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property and will promote the public interest;
- (b) the waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance, Exeter Master Plan, or official maps;
- (c) such waiver(s) will substantially secure the objectives, standards and requirements of these regulations; and
- (d) a particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
  - 1. Topography.
  - 2. Existing site features.
  - 3. Geographic location of the property.
  - 4. Size/magnitude of project being evaluated.

## 11.2 CONDITIONS

In approving waivers, the Board may impose such conditions as it deems appropriate to secure substantially the objectives of the standards or requirements of these regulations.

## 11.3 PROCEDURES

A petition for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

## SECTION XII - PENALTIES

As authorized by RSA 676:17, any person, firm or corporation violating any of the provisions of these regulations shall for each violation, upon conviction thereof, pay a fine of not more than one hundred (\$100.00) dollars for each day such violation exists.

## SECTION XIII - FEES

### 13.1 SCHEDULE OF FEES

The Board shall, from time to time and after a public hearing, set a schedule of fees. A current listing of this schedule, referred to as the "Planning and Zoning Fee Schedule", is posted in the Planning Department Office at the Exeter Town Hall.

**13.1.1 Administrative and Other Fees**

Per RSA 676:4, I(g), reasonable fees may be imposed by the Board to cover its administrative expenses and the costs of special investigative studies, review of documents, recording of plans with the Rockingham County Registry of Deeds, and other matters which may be required by particular applications.

**13.1.2 Public Notice and Hearing Fees**

Per RSA 676:4, I(d), all costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the subdivision plan without a public hearing.

**13.1.3 Inspection Service Fee**

In subdivisions which require the extension of Town utilities (sewer and water) and/or road construction, there shall be deposited an inspection fee prior to final approval. This fee shall cover the cost of inspection services to be provided by the Town appointed inspector (or his designated agent). The Town's inspector shall monitor and inspect all required site improvements for compliance with approved plans and required engineering standards. The amount of said fee shall be determined by the Planning Department based upon a reasonable estimate of anticipated inspection costs.

**SECTION XIV - VALIDITY**

**14.1 INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**14.2 CONFLICTING PROVISIONS**

Where any section of these regulations conflicts with another, or with any other local regulation or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

**14.3 SAVING CLAUSE**

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of these regulations.

**SECTION XV - EFFECTIVE DATE**

These regulations, and amendments, shall take effect upon their passage.

ADDENDUM A

GRADING, DRAINAGE AND EROSION AND SEDIMENT CONTROL

PLAN SPECIFICATIONS

1. DESIGN STANDARDS

The following standards shall be applied in planning for erosion and sediment control:

- A. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.
- B. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion. Whenever practical natural vegetation shall be retained, protected and supplemented.
- C. Appropriate control measures shall be installed prior to removal of vegetation.
- D. The disturbed area shall be kept to a minimum and the duration of exposure shall be a maximum of six (6) months. Disturbed areas remaining idle for more than 30 days shall be stabilized. Temporary seedlings and/or mulching shall be used to protect exposed critical areas during development.
- E. Measures shall be taken to control sediment and retain it within the projected area. Provisions must be made to accommodate increased runoff caused by changed soil conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins, and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface material.
- F. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
- G. Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area.
- H. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.

2. PLAN REQUIREMENTS

A. Preliminary Plan Requirements

A preliminary plan is optional. If submitted, said plan shall include the following information:

1. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries.
  - (b) North arrow, date and scale.
  - (c) Property lines.
  - (d) Easements.
  - (e) Structures, utilities, roads and other paved areas.
  - (f) Topographic contours.
  - (g) Critical areas.
  - (h) Waterways, bodies of water, drainage patterns and watershed boundaries.
  - (i) Vegetation.
  - (j) Soils information based on High Intensity Soil Maps as prepared by a Certified Soil Scientist.
  - (k) Erosion and sediment control measures (both during the construction phase and after).
  - (l) Areas of soil disturbance.
2. Narrative section including:
  - (a) A discussion of each measure and its purpose.
  - (b) A detailed description of the construction sequence including a timing schedule which indicates the starting and completion dates of the measures and time of exposure of each area.

B. Final Plan Requirements

The Board shall require each of the following in the final plan unless specifically waived:

1. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries.
  - (b) North arrow, scale and date.
  - (c) Property lines.
  - (d) Structures, roads, utilities, earth stockpiles, equipment storage and stump disposal.
  - (e) Topographic contours at two-foot intervals.
  - (f) Extent of 100-year floodplain boundaries as determined by the Town's Flood Insurance Rate Maps.
  - (g) Soils information based on High Intensity Soil Maps as prepared by a Certified Soil Scientist.
  - (h) Easements.
  - (i) Areas of soils disturbance.
  - (j) Areas of cut and fill.
  - (k) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled.

- (l) Location of all structural and vegetative erosion and sedimentation control measures (both during the construction phase and after).
- (m) Identification of all permanent control measures.

2. Narrative section including:

- (a) A detailed description of the construction sequence including a timing schedule which indicates the starting and completion dates of the measures and time of exposure of each area.
- (b) An earth movement schedule.
- (c) A description of temporary and permanent vegetative measures including seeding specifications.
- (d) A description of all structural erosion and sedimentation control measures, with detailed drawings of each.
- (e) Design calculations for all temporary and permanent structural control measures.
- (f) A proposed schedule for the inspection and maintenance of all measures.
- (g) Identification of all permanent control measures and responsibility for continued maintenance.
- (h) Calculations showing volume, peak discharge, and velocity of present and future runoff.

3. **RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION**

The applicant shall bear final responsibility for the installation, construction and disposition of all grading, drainage, and erosion and sediment control measures required by the provisions of these regulations. The Board may require a performance guarantee to ensure the actual construction and installation of all grading, drainage, and erosion and sedimentation control measures within a period specified by the Board. Site development shall not begin before the grading, drainage, and erosion and sediment control plan is approved by the Board.

4. **MAINTENANCE**

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance and subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails to adequately maintain such measures, the Town shall have the authority to perform the required maintenance. The cost of such work shall be borne by the owner.

5. **PLAN APPROVAL AND REVIEW**

The Board shall indicate its approval of the grading, drainage, and erosion and sediment control plan, as filled, if it complies with the requirements and objectives of these regulations. If disapproved, a list of plan deficiencies and the procedure for filling a revised plan will be given to the applicant. Technical review of submitted plans shall be conducted by the Rockingham County Conservation District at the expense of the applicant.

6. INSPECTION

Inspection shall be made during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained.

7. OTHER REQUIRED PERMITS

In addition to local approval, the following may be required:

- A. RSA 149:8-a requires a permit from the NH Water Supply and Pollution Control Division for "...any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede natural runoff or create unnatural runoff...". Regulations require this permit for any project involving more than 100,000 square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State.

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